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may appear in person or by attorney before the health officer and show cause, if any there be, why he should not be commended to abate such conditions or to make such improvements and to conform to the provisions of this ordinance, and upon the failure of such person, firm, or corporation to show such cause it shall be the duty and the health officer shall have full power and authority to make a final order commanding such person to make said improvements within such reasonable time as in his discretion he deems proper, and unless such person, firm, or corporation shall make such improvements as required by such order within the time so limited, it shall be the duty of the health officer to institute a prosecution against the person for the violation of this ordinance and to take the necessary steps to revoke the license of such person until such improvements and repairs shall have been made.

SEC. 29. That the following shall be the meaning of the words herein used:

The words "ventilation of rooms" shall consist of an opening to the outer air at each end of such room, or such other adequate ventilation which shall be subject to the approval of the health officer, said openings to be so placed as to produce a free circulation of air in such room, and shall be subject to the approval of the health officer.

The word "food" as used herein shall include all articles used for food, drink, condiment, whether simple, mixed, or compound, and all substances or ingredients used in the preparation thereof and intended for human consumption.

The word "restaurant" shall be held to include all hotels and eating houses of every description.

The word "person" shall include corporations and managing servants, agents, or employes thereof.

SEC. 30. That all ordinances in conflict with this ordinance are hereby repealed.

SEC. 31. That if any section of this ordinance shall be declared unconstitutional, the same shall not affect any other section of this ordinance and shall not affect the validity of the same.

SEC. 32. That any person, firm, or corporation violating any of the provisions of this ordinance or any section of this ordinance shall be punished by a fine not exceeding \$100 and by imprisonment at hard labor not exceeding six months, one or both, and by revocation of any license granted by the city of Birmingham, in the discretion of the court trying such case.

#### **Dairy Products—Sale of, from Premises Where Insanitary Conditions Exist Prohibited. (Ord. 348-C, Feb. 12, 1916.)**

SECTION 1. That it shall be unlawful for any person, firm, or corporation to sell, offer for sale, or to distribute in the city of Birmingham any dairy products produced or in any manner prepared or handled on any premises within the State of Alabama having thereon or within a radius of 500 feet therefrom surface closets or privies not properly connected with the sanitary sewerage system, unless such closets or privies are so constructed as to safely take care of all human excrement, provided with self-closing doors, with drop-lid over hole in seat, with proper ventilation at back, with screened ventilators on each side at the bottom, with metal receptacle of adequate size to catch the human excrement, and with a closely fitting trapdoor at the back.

SEC. 2. That it shall be unlawful for any person, firm, or corporation to sell, offer for sale, or distribute in the city of Birmingham any dairy products produced or in any manner prepared or handled on any premises within the State of Alabama not provided with a sanitary closet properly connected with the sewerage system or with a surface closet or privy constructed and equipped in all respects as provided by section 1 of this ordinance.

SEC. 3. That it shall be unlawful for any person, firm, or corporation to sell, offer for sale, or distribute in the city of Birmingham any dairy products produced or in any man-

ner prepared or handled on any premises within the State of Alabama from which premises and the water supply thereof all accumulation of human excrement are not regularly carried to a safe distance and effectively destroyed.

SEC. 4. The failure or refusal on the part of any person, firm, or corporation producing, preparing, handling, or selling dairy products or offering the same for sale or other distribution in the city of Birmingham to see that his or its premises are provided, equipped, and kept as provided by this ordinance shall constitute sufficient grounds for the refusal by the meat and milk inspector of a permit for the sale or other distribution of such dairy products in this city, or for the revocation by the city commission after notice and hearing of any such permit already issued by such meat and milk inspector.

SEC. 5. Any person, firm, or corporation violating any section or provision of this ordinance shall upon conviction be punished within the limits of and as provided by section 1216 of the Code of Alabama.

**Butter and Oleomargarine—Sale of. (Ord. 357-C, Mar. 15, 1916.)**

SECTION 1. That it shall be unlawful for any person, firm, or corporation to sell, offer for sale, keep, or have in possession for sale, barter, exchange, give away, or otherwise dispose of any impure or adulterated butter, or butter not manufactured or made from fresh or ripened milk or cream. Butter shall be deemed impure or adulterated within the meaning of this section if it contains less than 82.5 per cent of butter fat, or if it is not free from other fats or other adulteration. But such butter may contain common salt and a small amount of vegetable coloring matter not deleterious to health.

SEC. 2. It shall be unlawful for any person, firm, or corporation to sell or offer for sale oleomargarine as or under the guise of butter or unless the same shall be plainly labeled as required by the Federal statutes. It shall be unlawful for any person, firm, or corporation to sell, or offer for sale, process or renovated butter, unless the same shall be labeled "Process butter," and shall contain at least 82.5 per cent butter fat, nor shall it be lawful to sell or offer for sale such process or renovated butter when the same contains more than 16 per cent moisture.

SEC. 3. All impure and adulterated butter, as well as all oleomargarine and process butter or renovated butter, that is sold, offered for sale, kept or had in possession in violation of this ordinance shall be confiscated by the meat and milk inspector, or his assistants, and the same shall be destroyed.

SEC. 4. Any person, firm, or corporation violating any section or provision of this ordinance shall upon conviction be punished within the limits of and as provided by section 1216 of the Code of Alabama.

SEC. 5. Section 339 of the city code is superseded by section 1 of this ordinance, but this ordinance shall not affect any prosecution for any offense which may have been committed prior to its adoption.

**Pure-Food Inspector and Assistants—Appointment and Duties. (Ord. 349-C, Feb. 16, 1916.)**

SECTION 1. That the office of pure-food inspector is hereby created with the duties and powers hereinafter set forth.

SEC. 2. That the health officer of the city of Birmingham is hereby authorized to nominate a pure-food inspector to be elected by the city commission and such number of deputy and assistant pure-food inspectors as may from time to time be authorized by resolution adopted by the city commission.

SEC. 3. That the said pure-food inspector and such assistants as may from time to time be appointed, shall hold office at the pleasure of the commission and shall receive such salary as may from time to time be authorized by resolution of the commission.